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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,888	12/12/2005	Johannes Kalhoff	2133.095USU	1974

27623 7590 09/14/2010
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EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
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2121

MAIL DATE	DELIVERY MODE
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09/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Arguments

Applicant's arguments filed 09/03/10 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the configuration device according to amended claim 1 and 8 remains at the coupling location even if an intelligent unit is replaced") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 1 and 8 each recite two alternatives: 1) the configuration device is part of a permanent wiring, to which the intelligent unit can be coupled, or 2) the configuration device is associated with a connecting device disposed at the coupling location for connection of the intelligent unit. However, neither of these recitations *necessarily requires* that the configuration device remain at the coupling location even if an intelligent unit is replaced, as argued by Applicant. For example, there is no recitation that the permanent wiring is a wiring permanently fixed to the coupling location. And there is no recitation that the connecting device disposed at

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the coupling location means permanently fixed to the coupling location, nor is there any specificity as to what is meant by “associated with”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-16, 20-25, 27, 28, 31, and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 297 06 969 U1 (provided by Applicant).

For example, the English Translation of DE 297 06 969 U1 (provided by Applicant) discloses:

1. A method comprising:

connecting a configuration device (e.g., Fig. 1 #5) to a coupling location of an intelligent unit (e.g., Fig. 1 #1) in a system, wherein the configuration device is not a component of said intelligent unit (e.g., Fig. 1); and

wherein the configuration device is part of a permanent wiring, to which the intelligent unit can be coupled, or is associated with a connecting device disposed at the coupling location for connection of the intelligent unit (e.g., Fig. 1 #3); and

storing configuration data in the configuration device (e.g., pg. 4 lines 22-28, claims 5-6),

wherein the configuration data comprises behaviour or function description data, which is location-based in each case (e.g., pg. 4 lines 6-12), and

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wherein the configuration data can be transmitted from the configuration device to a logic device (e.g., pg. 3: “software of the control unit”, “software driver”) that processes the configuration data for configuration of the intelligent unit (e.g., pg. 4 lines 6-12, pg. 5).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN A. JARRETT whose telephone number is (571)272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan A. Jarrett/
Primary Examiner, Art Unit 2121

09/12/10